Remarks/Arguments:

The Examiner requires that either Species I - Figs. 1a-1b, Species II - Fig. 7a, Species III - Fig. 7b, Species IV - Fig. 8a, Species V - Fig. 9, Species VI - Fig. 10, Species VII - Fig. 13, Species VIII - Fig. 14, or Species IX - Fig. 15 be elected for prosecution. Applicants elect to prosecute Species IX - Fig. 15. Applicants believe that original claims 164-176 and 289 are presently readable thereon. Applicants have therefore cancelled original claims 1-163, 177-288 and 290-333. This election is made without traverse.

Claim 289 has been amended to recite that the current is applied from a vicinity of the distal end of the support element. This amendment is supported in the specification by at the least the following: "The support element comprises one or more electrodes fixed thereto in a vicinity of a distal end thereof. . ." (p. 89, lines 2-4).

Newly added dependent claims 334-352 likewise read on the elected species. Claims 334-349 are fully supported in the specification as originally filed, as indicated in the following table (it should be noted that many of the claims find support in multiple locations in the specification in addition to those provided):

Claim(s)	Support in specification
334 ("receiving energy at the support element")	"The support element comprises . . . a receiver. . . . The control unit is adapted to drive the electrodes via the receiver to apply an electrical current to tissue of the subject. . ." (p. 89, lines 2-9).
335 ("transmitting the energy from inside an oral cavity")	"For example, the control unit may be brought into physical contact by positioning the control unit inside an oral cavity of the subject" (p. 89, lines 26-29). "Alternatively, the receiver comprises a transducer, and the control unit comprises a wireless transmitter. . . . Alternatively, the control unit is adapted to be placed in the oral cavity" (p. 90, lines 3-10).
336 ("receiving the energy	"For some applications, the receiver includes an electrical

from inside an oral cavity of the subject via an electrical contact site of the support element")	contact site, and the control unit is adapted to be coupled to the receiver by being brought into physical contact with the electrical contact site" (p. 38, line 31 – p. 39, line 2). "For some applications, the control unit is adapted to be positioned inside an oral cavity of the subject" (p. 39, lines 11-12).
337 and 338 ("wirelessly receiving the energy"; "wirelessly receiving electromagnetic energy")	"For some applications, the receiver includes a transducer, and the control unit includes a wireless transmitter, which is adapted to couple the control unit to the receiver via wireless electromagnetic communication with the transducer" (p. 39, lines 3-7).
339 and 340 ("wirelessly transmitting the energy from outside of a head"; "wirelessly transmitting the energy from inside an oral cavity")	"Alternatively, the receiver comprises a transducer, and the control unit comprises a wireless transmitter, which is adapted to couple the control unit to the receiver via wireless electromagnetic communication with the transducer. . . . For some applications, the control unit is adapted to be positioned outside of a head of the subject. Alternatively, the control unit is adapted to be placed in the oral cavity. . ." (p. 90, lines 3-10).
341, 342, and 343 (list of tissues; "SPG"; "greater palatine nerve")	"In an embodiment, the tissue is selected from the list consisting of: a sphenopalatine ganglion (SPG) of the subject, a greater palatine nerve of the subject, a lesser palatine nerve of the subject, a sphenopalatine nerve of the subject, a communicating branch between a maxillary nerve and an SPG of the subject, an otic ganglion of the subject, an afferent fiber going into the otic ganglion of the subject, an efferent fiber going out of the otic ganglion of the subject, an infraorbital nerve of the subject, a vidian nerve of the subject, a greater superficial petrosal nerve of the subject, and a lesser deep petrosal nerve of the subject, and the

	control unit is adapted to drive the electrodes to apply the current to the selected tissue" (p. 38, lines 16-28).
344 ("the support element has a length of between about 1.8 cm and about 3 cm")	"For some applications, the support element has a length of between about 1.8 cm and about 3 cm" (p. 38, lines 29-30).
345 ("on periods of between about 60 seconds and about 105 seconds, and off periods of between about 30 seconds and 90 seconds")	"For some applications, the control unit is adapted to apply the current having on periods of between about 60 seconds and about 105 seconds, and off periods of between about 30 seconds and 90 seconds" (p. 39, lines 20-23).
346 ("on periods of about 90 seconds, and off periods of about 60 seconds")	"For some applications, the control unit is adapted to apply the current having on periods of about 90 seconds, and off periods of about 60 seconds" (p. 39, lines 23-26).
347, 348, and 349 ("greater palatine canal"; "via a roof of an oral cavity")	"Support element 510 is adapted to be inserted into a vicinity of an MTS or an SPG system of the subject, via a greater palatine canal in a roof of an oral cavity of the subject" (p. 86, line 30 – p. 87, line 1).

Dependent claims 350 and 351 respectively recite two of the elements of the Markush group of claim 165, as originally filed. Dependent claim 352 recites a feature ("electromagnetic communication") of claim 168, from which claim 352 depends. Claim 168 has been correspondingly amended to remove this feature. Thus, no new matter has been added by the introduction of claims 334-352.

Applicants bring to the Examiner's attention copending Application Nos. 10/258,714 (filed January 22, 2003), 10/753,882 (filed January 9, 2004), 10/294,310 (filed November 14, 2002), 10/952,536 (filed September 27, 2004), 10/512,780 (filed June 1, 2005), 10/522,615, 10/518,322 (filed July 8, 2005), 10/535,024, and 10/535,025, and co-assigned

US Patent 6,853,858, issued February 8, 2005, which may be material to patentability of the present application.

In view of the amendments and remarks set forth above, applicants submit that the application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

RatnerPrestia

Jacques L. Etkowicz, Reg. No. 41,738
Attorney for Applicants

JLE/kpc

Dated: January 19, 2006

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Director is hereby authorized to charge or credit Deposit Account No. **18-0350** for any additional fees, or any underpayment or credit for overpayment in connection herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 19, 2006.

Kathleen P. Carney